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WARE FRESSOLA

P.05/07

Attorney Docket No.: 944-001,038-1  
Application No.: 10/023,456

### REMARKS

The application includes claims 1-25, in which claims 17-21 were examined on merit and claims 1-16 and 22-25 were withdrawn. With this paper, none of the claims are amended, none are canceled, and none are added.

#### Claim Rejections

At page 2, section 2 of the Office Action, claims 17, 18 and 21 are rejected under 35 USC 102(e) as being anticipated by Dalal *et al* (U.S. 2002/0065894, hereinafter Dalal).

At page 4, section 6 of the Office Action, claims 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Dalal in view of "Official Notice."

Claim 17 recites a system. The system includes a central server and a presence server. The central server, in response to an invitation message from an inviting user to exchange content with an invited user who is registered with the presence server, provides a presence query to the presence server. The presence server, in response to the presence query, provides presence information relating to the invited user. The central server then responds to the presence information related to the invited user, deciding whether the content of the inviting user is sent to the invited user, stored or refused. The presence query and the invitation message are communicated according to an application layer control protocol. The presence information relating to presence pertains to a spatial location of the invited user registered at the presence server. The system of claim 17 is illustrated in Figure 15 and explained, at least, in Example 1 of the instant application.

Dalal teaches a system that includes a unified instant messaging processor (UIM) 10 that communicates with a user terminal 13 of a user and a presence and messaging processor or presence server 15 that communicates with a messaging client 12. The user reports to the UIM 10 a local state that indicates how the user can be reached, for example, by page, email, etc. The UIM 10 then reports the user's global state, i.e., the user is online or offline, to the presence and messaging processor 15 using a protocol specific to the presence and processing messaging processor 15. The presence and messaging processor 15 delivers to the UIM 10 status information (including global and local status) for all of the user's buddies.

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The method of Dalal (as described in paragraphs [0014] and [0016] and cited by the Office against claim 17) allows the user's buddies to more accurately access the presence state of the user (whether the user is online, and whether the user is available by page or email, etc.) and *vice versa*.

Applicant respectfully submits that the present invention as claimed in claim 17 differs from Dalal in that, first, Dalal does not teach a central server that "is responsive to said presence information relating to said invited user registered at said presence server, for use in deciding said content is sent to the invited user, stored or refused, ... ." The unified instant messaging processor (UIM) 10 of Dalal only provides presence state (global and local) of all the buddies of a user to the user. It does not make a decision whether a content of the user should be directly forwarded to a buddy if the buddy wishes to be contacted, stored on the server for later delivery if the buddy wishes not to be disturbed, or refused. Especially, in Dalal, the UIM 10 cannot differentiate whether an invited user, although online, is busy or free, and hence handle the content differently. It can only differentiate whether the invited user is online or not.

Second, as applicant pointed out in the response to the previous Office Action, Dalal does not teach "the presence information relating to presence pertains to a spatial location of said registered user." The office is silent on whether or not this argument was persuasive.

In fact, Dalal does not mention anything about spatial location being part of the presence information of the user. The word "location" used in Dalal is in the context of describing a "remote location" of the user of the user terminal 13. This context does not convey any information regarding the "spatial" location of the user terminal 13. It only conveys information in a general sense that the user terminal 13 is at a location that is remote from the desktop of the user and does not have any "spatial" information pertaining to location. The word "spatial" in claim 17 clearly conveys the idea that the presence information contains information relating to or having the character of space that is of course founded on measurements of length or distance. As pointed out in the specification, this can be geographical (a two- or three-dimensional version of spatial location). See for instance at page 16, line 7, page 19, line 28 and page 20, line 19 of the instant specification. The present application is replete with references to spatial location and some of the references mentioned in the specification describe this idea even more. For instance,

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the common spatial location data set spells out that the elements of such a data set include coordinates expressed in latitude, longitude, and optional altitude using WGS-84 data. The specification contemplates making latitude and longitude mandatory and includes various accuracy and time features as well, along with direction, course, orientation, etc. The parameters of these various pieces of data are set forth in the spatial location protocol draft. The Examiner's interpretation of "spatial" would render the term devoid of meaning because it is too broad an interpretation and not justified by either the claim itself or by the specification.

The present invention makes it possible to achieve location based services by combining presence and spatial location of a user by enabling the exchange of content based on both of these properties. Dalal fails to show anything that is related to the spatial location of a user terminal connected with the presence server.

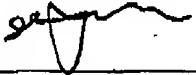
Based on the above reasons, it is believed that claim 17, as it currently stands, is novel with respect to Dalal, and therefore it is patentable. Claims 18-21, being dependent from claim 17, are also patentable as least for the same reasons as above. Applicant respectfully requests the rejections of these claims be reconsidered and withdrawn.

#### Conclusion

In view of the foregoing, the applicant respectfully requests that the rejections be reconsidered and withdrawn. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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Date

  
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